

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DON RAY CLARK, JR.,)
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Plaintiff,) **Case No. 4:20-CV-476**
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)
)
v.)
)
)
CITY OF ST. LOUIS, ET. AL.)
)
)
Defendants.)

MOTION TO DISMISS BY CITY OF ST. LOUIS

COMES NOW Defendant City of St. Louis (“City”) and moves this Court to dismiss Counts I, II, III and IV of Plaintiff’s Complaint (doc. 4) for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) (“FED. R. CIV. P. 12(b)(6)”). In support, City states the following:

1. Plaintiff fails to state a claim in Counts I, II, III, and IV of his Complaint (doc. 4) against Defendant City upon which plaintiff may obtain relief from this Court or any other. FED. R. CIV. P. 12(b)(6).
2. Taking plaintiff's allegations against the City as true, and construing those allegations in a light most favorable to plaintiff, plaintiff fails to sufficiently allege facts entitling plaintiff to relief. *Kottschade v. City of Rochester*, 319 F.3d 1038, 1040 (8th Cir. 2003).
3. Defendant submits herewith a memorandum in support of its motion, which sets out the relevant arguments and citations to authority on which Defendant relies.

WHEREFORE, Defendant City prays the Court grant its Motion to Dismiss for Failure to State a Claim with prejudice, and for any further relief the Court deems just and reasonable.

Respectfully submitted,

JULIAN BUSH,
City Counselor

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CERTIFICATE OF SERVICE

I hereby certify that on **April 6, 2020** the foregoing Motion was sent via email and mailed to:

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/s/ Erin K. McGowan